



June 27, 2025

Womble Bond Dickinson (US) LLP

3993 Howard Hughes Parkway
Suite 600
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VIA ECF

Magistrate Judge Victoria Reznik
The Hon. Charles L. Brieant Jr. Federal Building
and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *The Wave Studio, LLC v. General Hotel Management
Ltd., et al.* Case No. 7:13-cv-09239-CS-PED

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Dear Judge Reznik:

As ordered by the Court (ECF No. 529), Visa, Inc. ("Visa") hereby provides its written response to The Wave Studio's ("Wave") letter dated June 18, 2025 (ECF No. 528).

Status Conference

Visa does not oppose a status conference to discuss next steps in the case. Visa will have an attorney present in person, but it may want other attorneys working on the case to be able to appear remotely to listen to the hearing in real time. Accordingly, Visa requests that the Court permit additional counsel to appear remotely.

"Confusion" Over Master Complaint

Visa's position is that the "Master Complaint" filed by Wave on January 26, 2024, is the operative complaint in this case. (ECF No. 332.) It was called a "Complaint," filed on the docket as a complaint, and there was no indication that it had no legal effect as the operative pleading.

Wave claims that, during the February 29, 2024 hearing before this Court, its counsel "confirmed that the master complaint does not supersede any other complaint." (ECF No. 528 at 2 (citing Tr. 52:21-24).) First, what Wave's counsel *says* about a pleading does not control the legal effect of the pleading. Here, Wave filed the complaint as a "Master Complaint" and it should be treated as such.

Second, the transcript is far from clear that Wave disavowed the "Master Complaint" from being operative. That portion of the transcript contains the following exchange:



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MR. BAUER: One thing, your Honor, if I may, John Bauer from ETG.

THE COURT: Yes.

MR. BAUER: It is my understanding that that master complaint, master complaint supersedes the other complaints. Is that correct? By Plaintiff?

THE COURT: I guess that's a question for Mr. Berg.

MR. BERG: I, I'm sorry, the question is whether the master complaint supersedes the other complaint? It was not --

MR. BAUER: Correct.

MR. BERG: It does not technically supersede in a strict, legal way. We were trying to put everything in one place so that motion practice isn't unwieldy, so that's the answer to that. But more importantly, the idea was to try to make it all efficient. That, that's what we were going for with the master complaint.

(Tr. at 52:10 to 53:8.)

Visa took Wave's counsel's response to mean that the "Master Complaint" was a combination of all of the complaints Wave filed against all the defendants, but Wave was not making new claims that "supersed[ed]" (i.e., was different from) its prior claims. However, Visa did not construe what Wave said to mean that the Master Complaint was not the operative complaint.

Confirmation of Counsel

Visa is represented by the following individuals:

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This information is correctly reflected on the docket.

Best regards,

Womble Bond Dickinson (US) LLP

By: 

Michael J. McCue, Partner

cc: via ECF to all counsel of record